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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,496	09/12/2003	Lisa Blum	426.42	2439
27019	7590	12/21/2004	EXAMINER	
THE CLOROX COMPANY 1221 BROADWAY PO BOX 2351 OAKLAND, CA 94623			SPISICH, MARK	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,496

Applicant(s)

BLUM ET AL.

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: (1) applicant is requested to update the data for the co-pending application mentioned on page 6 (line 33) and page 7 (line 2); (2) "45a" (page 14, line 9) should be -- 44b --; and (3) "42" (page 14, line 12) should be -- 45 ---.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "non-mechanical articulating means" (claim 27, line 5) is somewhat confusing in that the term "non-mechanical" and "articulating" do not seem that they go together. Any removable coupling between the handle and the cleaning head would constitute at least to some degree a mechanical connection. Applicant should review the claims for any additional informalities.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2,5,10,11,26,28,29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson, Sr. (USP 3,753,267). The patent to Johnson discloses a

Art Unit: 1744

cleaning head (23) comprising a sponge (60) of "polyurethane or other suitable material" (column 2, lines 32-33), scrim (61) (a Mylar mesh: column 2, line 37) as well as a one-piece flexible (column 2, lines 15-18) fitment including a base (50) and an integral engagement member (52) adapted to removably engage a handle (21). Any article is inherently "disposable" and the mere inclusion of this term in the preamble does not structurally define over the prior art.

5. Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Bates (USP 2,221,128). The patent to Bates discloses a cleaning head comprising a sponge (1) as well as a one-piece flexible fitment including a base (2) and an integral engagement member (3) adapted to removably engage a handle (11).

6. Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Boulton (USP 1,994,939). The patent to Boulton discloses a cleaning head comprising a sponge (19) and a one-piece flexible fitment including a base (20) and an integral engagement member (21,22) adapted to removably engage a handle.

7. Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Bennington (USP 1,577,944). The patent to Bennington discloses a cleaning head comprising a sponge (7) as well as a one-piece flexible fitment comprising a base (3) and an integral engagement member (8) adapted to removably engage a handle.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 1744

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,4,6,7,8,9,12,13,14,22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Sr. (USP 3,753,267). The patent to Johnson discloses a cleaning head (23) comprising a sponge (60) of "polyurethane or other suitable material" (column 2, lines 32-33), scrim (61) (a Mylar mesh: column 2, line 37) as well as a one-piece flexible (column 2, lines 15-18) fitment including a base (50) and an integral engagement member (52) adapted to removably engage a handle (21). With regard to the properties of the sponge (claims 3,4,6,7) and scrim (claim 14), one of ordinary skill would be well aware of materials which are available for use in cleaning and that mere optimization through routine experimentation to suit the particular use does not constitute a patentable step. The sponge and scrim are disk-shaped (claims 8 and 12). The dimensions thereof (claims 8-9) would be an obvious choice of design to suit the particular intended use. The material of the sponge (claims 22 and 23) would be an obvious choice of design (such also being suggested at column 2, lines 32-33). The fitment includes a substantially disk-shaped (claim 24) base (claim 24) and the particular dimensions thereof (claims 24-25) would be an obvious choice of design.

9. Claims 1-7,10,11,14,22,23,26,28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulton (USP 1,994,939) in view of Siemund (USP 3,406,420). The patent to Boulton discloses a cleaning head (11) comprising a sponge (19) and a one-piece flexible fitment including a base (20) and an integral engagement member (21,22) adapted to removably engage a handle. The patent to Boulton discloses the invention substantially as claimed with the exception of the scrim. The patent to

Art Unit: 1744

Siemund discloses a sponge (24,26) cleaning member as well as a layer of scrim (12). It would have been obvious to one of ordinary skill to have provided the device of Boulton with such a scrim over the sponge to better remove encrusted dirt. The material of the sponge and the properties thereof (claims 2-7) would amount to an obvious design choice to one of ordinary skill in the art. The scrim (12) of Siemund is a polyester (column 4, line 70) (claim 10). As with the sponge, the properties of the scrim (claim 14) and the material of the fitment (claims 22-23) would amount to an obvious design choice.

10. Claims 15-21 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Sr. (USP 3,753,267) in view of Stima et al (USP 4,793,019). The patent to Johnson discloses the invention substantially as claimed with the exception of the cleaning composition. It is well known in the cleaning art to provide a cleaning composition within a cleaning member, such as is taught by Stima (column 3, lines 53-65). The provision of **any** cleaning composition which suits the particular intended use would be obvious to one having ordinary skill in the art. With regard to claim 30, the prior art discloses the same general materials that are in the present application and the mere recitation of an obscure property fails to define over the prior art in that one could reasonably assume that the prior art structure at least comes close to the recited value.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennington (USP 1,577,944) in view of Siemund (USP 3,406,420). The patent to Bennington discloses a cleaning head comprising a sponge (7) as well as a flexible fitment including an engagement member (8) adapted to removably engage a handle.

Art Unit: 1744

The patent to Bennington fails to disclose the scrim. The provision of an abrasive scrim/net over a sponge to aid in cleaning is well known in the art, as is shown in Siemund (#12). It would have been obvious to one of ordinary skill to have provided the device of Bennington with a scrim to aid in cleaning. **NOTE:** The last line of claim 27 is confusing. The best guess of the examiner is that this claim is meant to cover the embodiment of figures 13-14. The flexibility of the fitment (3) of Bennington would allow movement of the handle (which fits in aperture (9) in the same manner as in figure 13.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are pertinent to readily detaching cleaning heads with EP '282 and GB '775 to pads impregnated with a detergent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich
Primary Examiner
Art Unit 1744

MS